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2 UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

3 -----X  
4 Estate of VALERIE YOUNG, by VIOLA YOUNG,  
5 as Administratrix of the Estate of  
Valerie Young, and in her personal  
6 capacity, SIDNEY YOUNG, and LORETTA  
YOUNG LEE,

Plaintiffs,

7 vs.

Index No.:  
07CV6241

8 STATE OF NEW YORK OFFICE OF MENTAL  
9 RETARDATION AND DEVELOPMENTAL  
DISABILITIES, PETER USCHAKOW,  
10 personally and in his official  
capacity, JAN WILLIAMSON, personally  
11 and in her official capacity, SURESH  
12 ARYA, personally and in his official  
capacity, KATHLEEN FERDINAND,  
13 personally and in her official  
capacity, GLORIA HAYES, personally and  
14 in her official capacity, DR. MILOS,  
personally and in his official capacity,

Defendants.

15 -----X  
16 April 8, 2008  
17 9:59 a.m.

18 Examination before trial of SURESH  
19 ARYA, held at the offices of The Catafago  
20 Law Firm, P.C., 350 Fifth Avenue, New  
21 York, New York, pursuant to Notice,  
22 before Wendy D. Boskind, a Registered  
23 Professional Reporter and Notary Public  
24 of the State of New York.  
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Office of Mental Retardation

and Developmental Disabilities

1 Arya

2 been placed on one-to-one, would the team  
3 have to notify the deputy director if  
4 that was going to be removed?

5 A. Uh -- because it's not --  
6 stopping, is not required, so they don't  
7 have to, but we will know that  
8 stopping --

9 Q. So the answer is "no".

10 A. Yeah.

11 Q. And how would the staff  
12 document the behavior of the patient  
13 during the one-to-one?

14 A. They keep a log, a one-to-one  
15 log.

16 Q. And did you ever have --  
17 withdrawn.

18 Did you ever review the one-  
19 to-one logs?

20 A. No.

21 Q. You wouldn't look at them?

22 A. No, I don't need to.

23 Q. And what's the purpose of the  
24 one-to-one log?

25 A. To maintain what is the

1 Arya

2 situation, why is -- the person is on  
3 one-to-one, there is certain reason, and  
4 they document what is going on with that  
5 person.

6 Q. And that was required to be  
7 done every 15 minutes?

8 A. It's depending on the case  
9 basis, yes.

10 Q. I'm sorry?

11 A. Depending on what the team  
12 had made the decision.

13 It can be 15 minutes, it can  
14 be half an hour, it depends on the case,  
15 on case by case basis.

16 Q. Well, the policy and  
17 procedure manual you have in front of you  
18 says: "The assigned staff is to document  
19 the consumer's activities every 15  
20 minutes in one-to-one log" --

21 A. Right.

22 Q. -- but you're saying it would  
23 fluctuate --

24 A. But the team can make the  
25 decision.